

## **REMARKS/ARGUMENTS**

### **1.) Claim Rejections – 35 U.S.C. § 102(b)**

Claims 1-4, 7-9, 11, 15-18, 21-23, 25, 28-32, 35-37, 39 stand rejected under 35 U.S.C. 102(b) as being anticipated by Reiner (EP0948168). Applicant respectfully disagrees.

Reiner discloses a method and device of controlling the flow of a data amount from a sender to a receiver in a packet exchange connection, said packet exchange connection consisting of a plurality of links connected by routers, comprising: controlling said sender to determine from said data amount a data sequence to be sent, automatically determining one or more bandwidth values respectively associated with one or more of said links, and employing said one or more bandwidth values in the process of controlling the flow of said sequence from said sender to said receiver. Thereby a flow control is achieved that can directly take properties of the connection into account. (See Reiner, Abstract)

The Examiner's attention is directed to the fact that Reiner fails to teach "a network entity receiving, continuously throughout said session, information from a radio resource managing unit about the bandwidth on the wireless link that the bit transfer session currently is allowed to use, where the network entity is separate from the radio resource managing unit and comprises at least one of the application server and the client", as recited in independent claim 1. Independent claims 15 and 28 recite similar structure.

Applicant thanks Examiner Cehic for discussing this matter during the January 21, 2008 Examiner Interview. In view of the Examiner Interview, claims 1, 15, and 28 have been amended to recite that the network entity (claim 1) or reception means (claims 15 and 28) are "separate from the radio resource managing unit". This amendment should eliminate the Reiner reference since the Examiner cannot, now, read the "sender" of Reiner on the radio resource managing unit of Applicant's claims.

In view of the above arguments, Applicant respectfully submits that independent claims 1, 15, and 28 are patentable over the cited art of record. Claims 2-4, 7-9, 11, 16-

18, 21-23, 25, 29-32, 35-37, and 39 are patentable at least by virtue of depending from their respective base claims. Withdrawal of the rejection is respectfully requested.

**2.) Claim Rejections – 35 U.S.C. § 103 (a)**

**A. Claims 5, 6, 19, 20, 33, and 34**

Claims 5, 6, 19, 20, 33, and 34 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Reiner (EP0948168) in view of Wolfe et al (US 6,907,455). Applicant disagrees.

The Examiner concedes that Reiner fails to teach, disclose, or suggest said bit transfer session being set up between the application server and the client via a proxy and by said network entity being the proxy. The Examiner also concedes that Reiner fails to teach, disclose, or suggest said proxy sending acknowledgements of packets received from the application server during said bit transfer session and by said acknowledgements being dependent on said received information from the radio resource managing unit. In order to cure this perceived deficiency, Wolfe is cited.

Wolfe discloses techniques for notifying a client device of the occurrence of an event using a web application activated based on an application-state data record. A persistent process monitors incoming data for the occurrence of an event and provides the application-state data record that can be used to activate a session of an event notification application. The persistent process provides an event indicator to a proxy browser which then activates the event notification application. The event notification application provides an event notification to the proxy browser, which in turn provides an audio notification of the event to the client device, which may be a telephony device or other two-way audio communication device. The user of the client device can then respond to the event notification or otherwise interact with the event notification application via the proxy browser. (Wolfe, Abstract)

As stated above in Section 1.), Reiner fails to teach "a network entity receiving, continuously throughout said session, information from a radio resource managing unit about the bandwidth on the wireless link that the bit transfer session currently is allowed to use, where the network entity is separate from the radio resource managing unit and

comprises at least one of the application server and the client". Wolfe fails to cure this deficiency. As such, Applicant submits that claims 5, 6, 19, 20, 33, and 34 are patentable over the combination of Reiner and Wolfe.

**B. Claims 10, 24, and 38**

Claims 10, 24, and 38 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Reiner (EP0948168) in view of Walding (US 6,031,845). Applicant disagrees.

The Examiner concedes that Reiner fails to teach, disclose, or suggest transforming the data to be transmitted in response to said information regarding bandwidth. In order to cure this perceived deficiency, Walding is cited.

Walding discloses a bandwidth management system, a subscriber terminal, and a method for managing calls between a central terminal and a subscriber terminal of a wireless telecommunications system, a number of items of telecommunications equipment being connectable to the subscriber terminal. The subscriber terminal is arranged to pass call data between said items of telecommunications equipment and the central terminal via a wireless link, the wireless link being provided on a frequency channel with a predetermined maximum call data bandwidth for the transmission of said call data. The bandwidth management system comprises a bandwidth manager for maintaining in a storage information about allocation of the predetermined maximum call data bandwidth amongst calls currently being handled on the frequency channel. Further, a bandwidth allocator is provided that, responsive to a request to establish a call, is arranged to allocate, with reference to the information in said storage, a call data bandwidth for the call. The bandwidth manager then uses the call data bandwidth allocated by the bandwidth allocator to update the information in the storage. In preferred embodiments, the type of call to be established is determined, and the bandwidth allocator uses this call type information when allocating the call data bandwidth for the call. Compression may then be applied to the call data dependent on the bandwidth allocated. (Walding, Abstract)

As stated above in Section 1.), Reiner fails to teach "a network entity receiving, continuously throughout said session, information from a radio resource managing unit about the bandwidth on the wireless link that the bit transfer session currently is allowed to use, where the network entity is separate from the radio resource managing unit and comprises at least one of the application server and the client". Walding fails to cure this deficiency. As such, Applicant submits that claims 5, 6, 19, 20, 33, and 34 are patentable over the combination of Reiner and Walding.

C. Claims 12, 13, 26, 27, 40, and 41

Claims 12, 13, 26, 27, 40, and 41 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Reiner (EP0948168) in view of Holma et al (US 2002/0136192). Applicant disagrees.

The Examiner concedes that Reiner fails to teach, disclose, or suggest the radio resource managing unit being a radio network controller. The Examiner also concedes that Reiner fails to teach, disclose, or suggest the radio resource managing unit being a base station controller. In order to cure this perceived deficiency, Holma is cited.

Holma discloses power control of a network part transmitter in a radio system. The method comprises: establishing a radio connection from the network part transmitter to a user equipment; sending a signal on the radio connection from the network part transmitter using the transmission power required; receiving the signal in the user equipment; measuring a quality value for the signal and determining a power control command based on the quality value, signalling the power control command from the user equipment to the transmitter; specifying the power control required in the transmitter using a delay requirement of a service to be transferred over the radio connection and at least one received power control command as the basis for making the power control decision; continuing the method from the second operation, i.e. sending a signal on the radio connection from the network part transmitter using the transmission power required.

As stated above in Section 1.), Reiner fails to teach "a network entity receiving, continuously throughout said session, information from a radio resource managing unit

about the bandwidth on the wireless link that the bit transfer session currently is allowed to use, where the network entity is separate from the radio resource managing unit and comprises at least one of the application server and the client". Holma fails to cure this deficiency. As such, Applicant submits that claims 5, 6, 19, 20, 33, and 34 are patentable over the combination of Reiner and Holma.

### **3.) Prior Art Not Relied Upon**

In the paragraph 7, page 35 of the Office Action, the Examiner stated that the prior art made of record and not relied upon is considered pertinent to the Applicant's disclosure.

**CONCLUSION**

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



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